

DRAFT OCTOBER 23, 2012

# **MASTER PLAN REEXAMINATION REPORT**

## **BOROUGH OF RUMSON MONMOUTH COUNTY, NEW JERSEY**

**Adopted \_\_\_\_\_, 2012**

## **RUMSON BOROUGH PLANNING BOARD**

Prepared By:

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Bonnie Heard, P.E., C.M.E.  
New Jersey Professional Engineer  
License # 24GE042475

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Martin P. Truscott, P.P, A.I.C.P, LEED-GA  
New Jersey Professional Planners  
License # 2443



**T & M ASSOCIATES**

Eleven Tindall Road  
Middletown, New Jersey 07748

*Original Signed and Sealed in Accordance with Law*

**RUMSON BOROUGH  
PLANNING BOARD MEMBERS**

**Board Chairman**

Dr. Michael F. Lospinuso

**Board Members**

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Councilman Mark Rubin

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(Mayor's Substitute)

Gary Casazza

Vice Chairman, Environmental

Liaison

Alex J. Shanley

Ann B. White

Rita Seaman

Frank G. Hewitt

Debra Williams, Alternate #1

Thomas Clark, Alternate #2

Michael B. Steib, Esq., Planning Board Attorney

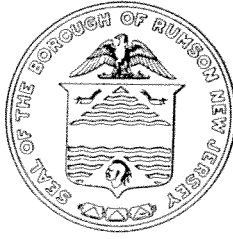
Bonnie L. Heard, P.E., Planning Board Engineer

Frederick J. André, Planning Board Secretary

Prepared by:



Eleven Tindall Road  
Middletown, New Jersey 07748



## **BOROUGH OF RUMSON**

80 EAST RIVER ROAD  
RUMSON, NEW JERSEY 07760  
(732) 842-3300 • FAX (732) 219-0714

### **BOROUGH OF RUMSON PLANNING BOARD**

#### **NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that the **BOROUGH OF RUMSON PLANNING BOARD** will hold a public hearing on a reexamination of the Borough's Master Plan, on Monday evening November 5, 2012, beginning at 7:00 PM in the Courtroom of Borough Hall located at 80 East River Road in Rumson Borough.

All documents relating to this public hearing will be available for public review beginning on Thursday, October 25, 2012 and may be inspected by the public between the hours of 8:30 AM and 4:30 PM, Monday through Friday, in the office of the Municipal Clerk in Borough Hall or at the Oceanic Free Library, 109 Avenue of Two Rivers during library hours, Monday and Thursday between the hours of 10:00 AM and 7:00 PM, Tuesday, Wednesday and Friday between the hours of 10:00 AM and 5:00 PM and Saturday between the hours of 10:00 AM and 4:00 PM.

Any interested party may appear at the public hearing and offer input and present comments.

By order of the Borough of Rumson

Frederick J. André, Secretary  
Borough of Rumson Planning Board

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Adopted November 18, 2002.

## **INTRODUCTION**

The New Jersey Municipal Land Use Law (MLUL) requires that each municipality in New Jersey undertake a periodic review and reexamination of its local Master Plan. The purpose of the Reexamination Report is to review and evaluate the master plan and municipal development regulations on a regular basis in order to determine the need for updates and revisions. In addition the preparation of a statutorily compliant Reexamination Report provides a presumption of validity of the Borough zoning ordinance under the law. This report constitutes the Master Plan Reexamination Report for the Borough of Rumson as required by the MLUL N.J.S.A. (40:55D-89).

The Borough of Rumson adopted its last comprehensive Master Plan in 1988. Housing Plan Elements were adopted in 2005 and 2008 to address COAH regulations. Master Plan Reexamination Reports were adopted in 1994, 1997, June 2002 and November 2002. A Land Use Plan amendment and an amendment to the Historic Preservation Plan Element were adopted in June 2002 addressing the Barley Point bungalow colony. In November 2002 the Planning Board adopted an amendment to the Land Use Plan Element of the Master Plan based on recommendations of the November 2002 Reexamination Report. The November 2002 recommendations focused on agricultural and horticultural uses in residential districts and minimum lot sizes in certain R-1 and R-2 zones. This 2012 Reexamination Report serves as a reexamination of the 1988 Master Plan, as amended, as supplemented by the (November) 2002 Reexamination Report.

### **1.0 REQUIREMENTS OF THE PERIODIC REEXAMINATION REPORT**

The MLUL requires that the Reexamination Report describe the following:

- The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- The extent to which there have been significant changes in assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

This report addresses each of these statutory requirements.

## **2.0 MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT AT THE TIME OF ADOPTION OF THE LAST REEXAMINATION REPORT (2002)**

### **Master Plan Objectives**

The 1988 Master Plan included general objectives and specific land use recommendations:

1. *Maintain Rumson's character as a residential community and the quality of life that it offers.*
2. *Encourage the most appropriate use of land consistent with neighborhood character and its suitability for development.*
3. *Establish appropriate population densities and limit the intensity of development to both preserve the natural environment and to ensure neighborhood, community, and regional well being.*
4. *Maintain a satisfactory level of public facilities and services.*
5. *Secure the public's safety from fire, flood, panic, and other natural and man-made disasters.*
6. *Maintain fiscal stability.*
7. *Ensure that Rumson's development does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole.*
8. *Coordinate development with land use policies to encourage the appropriate and efficient expenditure of public funds.*
9. *Provide sufficient space in appropriate locations for residential, recreational, commercial, and open space use.*
10. *Locate and design transportation routes to promote the free flow of traffic while discouraging congestion or blight.*
11. *Promote a desirable visual environment.*
12. *Conserve historic sites and districts.*
13. *Prevent urban sprawl and degradation of the environment through improper land use.*
14. *Expand housing opportunities within the Borough compatible with neighborhood character and the needs of present and future residents.*
15. *Promote the recovery of recyclable materials from municipal solid waste and encourage the conservation of energy.*
16. *Protect the natural resources and qualities of the Borough including freshwater and saltwater wetlands, floodplains, stream corridors, open space, steep slopes, and areas with scenic, cultural and recreational values.*

The November 2002 reexamination indicated the June 2002 and 1997 Reexamination Reports supported the goals and objectives of the 1988 Master Plan. The November 2002 Reexamination Report did not modify the prior endorsements.

The June 2002 Reexamination Report resulted in amendments to the Land Use Plan Element and Historic Preservation Plan Element of the Master Plan. The recommendations and amendment addressed the building standards for Barley Point, the bungalow colony located in the northwest quadrant of the Borough along the Navesink River. The recommendations were implemented by ordinance amendment.

### **Issues in November 2002**

Section 3 of the November 2002 Master Plan Reexamination Report summarized the status of the primary planning concern at that time as follows:

*"With this reexamination, the Borough continues its focus on evaluating development regulations to ensure that new development will continue in a coordinated and consistent manner. Concern still exists about the adverse effect infill development and building expansions may have on the visual environment and character of the neighborhoods. Consistent with demographic evidence of an increase in younger, larger families, a number of older homes in the Borough have been demolished and replaced by larger contemporary ones and some of the larger properties that once contained a single housing unit are being subdivided to facilitate multiple houses. Over time, this type of small scale, low intensity development has a subtle way of changing the character of the landscape. The Borough makes a concerted effort to review development regulations and recommend changes that will minimize the adverse impact created by these types of development." (Page 6)*

The Reexamination Report contained a number of recommended changes. The first set of changes addressed agricultural and horticultural uses in residential zones. The second set of changes was specific revisions in minimum lot area in certain areas of the R-1 and R-2 residential zones. The latter recommendations are the regulations the Planning Board will address in this reexamination.

The recommendations of the November 2002 Reexamination Report were addressed with an amendment to the Land Use Plan Element of the Master Plan (adopted November 18, 2002).

### **3.0 EXTENT TO WHICH SUCH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR INCREASED**

Both the 2002 Reexamination Report and Land Use Plan Element amendment recommended a series of revisions in the development regulations to address the concerns about infill development and building expansions. The proposed modifications were not adopted by Borough Council.

The Planning Board continues to have a concern that changes in the R-1 and R-2 zone districts are required to address potential adverse impacts of infill development. In the Board's opinion, recent new construction, during the economic downturn of the past several years, has not been as oversized as that in the past, however, modifications of the municipal regulation are necessary to address potential detrimental effects and are still appropriate. The Planning Board believes that the Borough officials should implement the Board's recommendations prior to an increase in development activity.

While new housing construction has dropped substantially on a county-wide basis, the pace of new residential construction in Rumson Borough has only slowed moderately. The new housing units authorized by construction permits from the Borough are listed below for the past eight years.

**Table #1**  
**Housing Units Authorized by Building Permits**  
**For New Construction**  
**Rumson Borough**  
**2004-2011**

Year	1&2 Family	Mixed Use	Total
2004	38	2	40
2005	34	0	34
2006	41	0	41
2007	36	0	36
2008	27	0	27
2009	17	0	17
2010	23	0	23
2011	27	0	27
Total	243	2	245
Average	30.3	NA	30.6

Source: NJ Department of Community Affairs, *Construction Reporter*

### **Zoning of Adjacent Municipalities**

It is important that the Borough's zone plan does not conflict with the development of neighboring municipalities. The preparation of this Reexamination Report includes a review of the zoning maps of neighboring towns.

Fair Haven: The Borough of Fair Haven is located to the northeast of Rumson. The eastern area of Fair Haven is zoned for single family residences ranging in minimum lot area from 10,000 square feet to 40,000 square feet. These zones are consistent with the Rumson zones in terms of use but are denser than Rumson. The bordering areas are existing developed areas and therefore minimum changes are anticipated.

Little Silver: The Borough of Little Silver adjoins the western border of Rumson. The zoning of the area that adjoins Rumson is single family residential, minimum one acre for lands south of Route 520 and one and one-half acre lots near Red Bank Regional High School. The zoning is compatible with Rumson's R-1 zone district.

Sea Bright Borough: Sea Bright is linked to Rumson by the County Bridge over the Shrewsbury River. Sea Bright is fully developed with high density residential areas however the two boroughs are separated by the River.

Monmouth Beach Borough: Monmouth Beach is also separated from Rumson by the Shrewsbury River therefore zoning compatibility is not an issue.

Middletown Township: Middletown and Rumson share a boundary in the Navesink River and therefore have no land connection. The two towns are connected by the Oceanic Bridge.



#### **4.0 EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES**

The Planning Board continues to find that the overall assumptions, policies and objectives of the 1988 Master Plan are consistent with and reflect the current assumptions, policies and objectives of the Planning Board in terms of future development of the Borough

The following significant changes in the assumptions, policies and objectives relating to land development in Rumson are noted:

##### **Changes at the State Level**

###### Time of Decision

On May 5, 2010, Governor Christie signed PL 2010 c. 9 into law, effectively nullifying the "time of decision" rule which had previously allowed municipalities the ability to alter zoning requirements even after an application for development had been filed but before a formal decision on the application had been rendered. PL 2010 c. 9 provides that the development regulations applicable to a property at the time an application for development is filed will govern the review of the application and any decision made pertaining to it. PL 2010 c. 9 took effect on May 5, 2011.

###### Solar and Wind Facilities as Permitted Uses in Industrial Zones

The Municipal Land Use Law (MLUL) was amended in 2008 to provide that solar and wind facilities on parcels of 20 acres or more shall be deemed as permitted uses in industrial zone districts. Also note that the definition of inherently beneficial use in the MLUL now includes a wind, solar or photovoltaic energy facility or structure.

###### Stormwater Management

In 2004, the New Jersey Department of Environmental Protection (NJDEP) adopted municipal stormwater regulations that required preparation and adoption of a stormwater management plan and ordinance by the Borough to address the need for promoting groundwater recharge and controlling the impacts of stormwater runoff from development. The Borough adopted a Stormwater Management Plan Master Plan Element in February 2005 and an amendment in August 2006. Stormwater management regulations were adopted as part of the zoning ordinance in 2005.

###### Green Building Element of the Master Plan

Many New Jersey municipalities have endorsed efforts to reduce their carbon footprint, decrease greenhouse gas emissions, encourage the use of renewable energy sources, conserve energy and minimize the use of natural resources. Federal and state programs have been established to assist municipalities to address these goals. In the private sector, the US Green Building Council, a private organization, has established the Leadership for Energy and Environmental Design (LEED) certification programs to encourage and standardize the certification of buildings which are energy efficient and incorporate sustainable environmental design concepts.

Recognizing the importance of green building and sustainability, in 2008 the New Jersey Legislature adopted an amendment to the Municipal Land Use Law (MLUL) to add the "Green Building and

Environmental Sustainability Plan Element” to the list of optional elements of municipal master plans. The scope of the new element is described as follows: “A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.”

The preparation of a Green Building and Sustainability Element should be considered as an additional element of the Borough Master Plan.

#### Complete Streets

In late 2009 the New Jersey Department of Transportation (NJDOT) adopted a Complete Streets Policy. A “complete street” is defined by the NJDOT as a “means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options.” Two counties and 23 NJ municipalities (as of April 2012) have adopted complete streets policies. The intent of the policy is to provide streets to meet the needs of all type of users and all modes of circulation- walking, bikes, cars, trucks, and buses. Rumson is a participant in the complete streets policy

#### 2004 Cross Acceptance, NJ State Development and Redevelopment Plan

Rumson participated in the State Plan cross acceptance process with the Monmouth County Planning Board in 2004. Cross acceptance is a process of comparing statewide planning policies among government levels to attain consistency among municipal, county, regional and state plans.

The Borough offered two amendments to the NJ State Plan map for inclusion in the 2004 Cross Acceptance report submitted by the County to the State Planning Commission. The amendments were an expansion of the Critical Environmental Areas (CES) along the banks of the Shrewsbury and Navesink Rivers and identification of the sedge islands as Planning Area (PA) 5 areas. The State Planning Commission has not adopted a new State Development and Redevelopment Plan and is now considering the adoption of a State Strategic Plan.

#### NJ Strategic Plan

At the time that this Reexamination report was being prepared, the New Jersey Office of Planning Advocacy had completed a series of hearings concerning a *Draft Final State Strategic Plan* (SSP). The SSP is intended to replace the 2001 NJ State Development and Redevelopment Plan. The Strategic Plan is based on a new approach by the state administration. The Plan proposes to achieve four primary goals through strategies consisting of administrative actions, legislative and regulatory reforms and prioritizing public investment. The four goals are: 1. Targeted Economic Growth; 2. Effective Planning for Vibrant Regions 3. Preservation and Enhancement of Critical State Resources; and, 4. Tactical Alignment of Government. The Office of Planning Advocacy also proposes to phase out the State Plan Policy Map and the plan endorsement process. Adoption of the SSP by the State Planning Commission has not occurred at this time. Borough officials should monitor the status of the new plan and its implications for future planning in the Borough.

### Monmouth County Wastewater Management Plan (WMP)

A final draft Wastewater Quality Management Plan for Monmouth County was submitted by the Monmouth County Planning Board in March 2012 to the NJDEP. It is under review by the DEP and formal adoption of the WMP will occur after the state releases a public notice and is published in the NJ Register.

Almost all of Rumson Borough is located the proposed sewer service, therefore the adoption of the WMP will have no impact on the development of the Borough. Borough officials were consulted by the County Planning Board on the sewer service area proposed for Rumson and input provided by the Borough was accepted by the County.

### NJ Council on Affordable Housing (COAH)

Rumson Borough adopted a Housing Plan Element and Fair Share Plan as a component of the 1988 Master Plan. Subsequently the Borough adopted Housing Plan Elements and Fair Share Plans in 2005 and 2008 as required by COAH rules and regulations. The Borough has addressed all COAH or NJDCA requests related to the Rumson affordable housing plan.

During the last five years there have several NJ Supreme Court challenges and decisions focused on the Third Round rules. In addition the NJ Legislature was active in 2010 and 2011 in COAH reform legislation. The NJ Supreme Court may be issuing another decision which may require new regulations by COAH. More recently the Governor eliminated COAH and reorganized its functions into the NJ Department of Community Affairs (NJDA). The reorganization order has been overturned by the courts, however, in the interim, the COAH responsibilities are being addressed by DCA staff.

Going forward the Borough should carefully monitor future legislative or regulatory actions by the State concerning affordable housing as well as decisions of the NJ Supreme Court.

### Permit Extension Act

On September 21<sup>st</sup> of this year the Governor signed legislation extending the Permit Extension Act. Under the prior version of the Permit Extension Act, qualifying approvals in effect as of January 2007 were set to lapse the end of this calendar year. The law now provides for the validity of qualifying approvals until at least December 31, 2014 and possibly until June 30, 2015 based upon the additional six month tolling provision. The law is designed to provide some relief in terms of a time extension to permits for development projects stalled by the economic downturn.

## **Changes at the County Level**

### Coastal Monmouth Plan (CMP)

The Monmouth County Planning Board adopted *The Coastal Monmouth Plan* (CMP) in 2010, a strategic plan for the future development and natural resource conservation of the County's Atlantic coast region. The County Planning Board staff held meetings with municipal officials, state and county agencies, various stakeholders in the region and the public. Volume I of The Coastal Monmouth Plan contains a detailed demographic, economic and environmental inventory of the coastal region. Volume II of the CMP provides the various strategies that are proposed to address the problems or needs identified by the Plan. A Planning Implementation Agenda is provided in the

plan which is a detailed summary of implementation strategies to address local and regional issues. The Planning Implementation Agenda is essentially a "tool kit" for municipalities and others to formulate local and inter-local solutions to issues related to transportation, housing, the economy and natural resource conservation. Volume III of the CMP provides detailed background and back-up information related to the Plan.

### Recycling

The 1988 Master Plan contained a Recycling Plan Element and addressed the requirements that were in place at that time. Also, the Borough Council has adopted the mandatory recycling ordinance and amended the ordinance, as necessary, to comply with State and County requirements.

Since the adoption of the 1988 Recycling Element, the NJ Recycling Enhancement Act was adopted and the Monmouth County Solid Waste Plan was amended in 2009. The Borough may wish to update the Recycling Element to discuss current requirements and current Borough efforts.

### **Changes at the Local Level**

The overall density and distribution of population and the land use pattern within Rumson Borough has not changed substantially since the last reexamination in 2002. A limited amount of demographic and housing data from the 2010 Census is available for review and analysis as to the possible changes in the Rumson and is presented in this section.

### Demographics

<b>Table 2</b>						
<b>Population Trends 1960-2011</b>						
	<b>Rumson</b>		<b>Monmouth Co.</b>		<b>New Jersey</b>	
Year	Population	% Change	Population	% Change	Population	% Change
1960	6,405	---	334,401	---	6,066,782	---
1970	7,421	15.9	461,849	38.1	7,168,164	18.2
1980	7,623	2.7	503,173	8.9	7,364,158	2.7
1990	6,701	-12.1	553,124	9.9	7,730,118	5.0
2000	7,137	6.5	615,305	11.2	8,414,350	8.9
2010	7,122	-0.2	630,380	2.45	8,791,894	4.4
2011	7,130	0.1	631,020	0.1	8,821,155	0.3

Source: US Bureau of the Census.

Table 2 provides a comparison of the population trends of Rumson, Monmouth County and New Jersey since 1960. The data indicates that Rumson reached its peak (Census) population in 1980 and after a slight dip in the number of residents during the 80's recouped some population during the 90's. Monmouth County and New Jersey have increased in population during the same time period. The lack of undeveloped area in the Borough is the primary reason for the slow or negative growth relative to the County.

<b>Table 3</b>						
<b>Population by Age Category- 2010 Census</b>						
	<b>Rumson Borough</b>		<b>Monmouth County</b>		<b>New Jersey</b>	
	Number	Percent	Number	Percent	Number	Percent
Total Population	7,122	100	630,380	100	8,791,894	100
Preschool Age( 0-4 Years)	434	6.1	34,755	5.5	541,020	6.2
School Age ( 5-19 Years)	2,060	28.9	130,723	20.7	1,750,184	19.9
Working Age (20-64 Years)	3,820	53.7	378,211	60.0	5,314,697	60.4
Seniors (65+)	808	11.3	86,691	13.8	1,185,193	13.5
Median Age	41.6	NA	41.3	NA	39.0	NA
Male	3,451	48.5	306,654	48.6	4,279,600	48.7
Female	3,671	51.5	323,726	51.4	4,512,294	51.3

NA= Not Applicable

Source: US Census, 2010.

Table 3 provides an analysis of the age profile of the Borough in 2010 in comparison with Monmouth County and the State of New Jersey. This information indicates that Rumson, in 2010, contained a much larger proportion of school-age population than both the County and the State. The Borough also has a smaller proportion of working-age persons (20 to 64 years) than the County and the State. The median age in the Borough is similar to that of the County but slightly older than the state's median age.

#### Housing

The 2010 Census data contains information concerning the characteristics of the housing units in the Borough. A comparison of some of the occupancy and tenure characteristics of housing in Rumson Borough and Monmouth County and household size is provided in Table 4 below.

<b>Table 4</b>				
<b>Housing Units 2010</b>				
	<b>Rumson Borough</b>		<b>Monmouth County</b>	
	Number	Percent	Number	Percent
<b>Occupancy Status</b>				
Total Housing Units	2,585	100.0	258,410	100.0
Occupied Housing Units	2,344	90.7	233,983	90.5
Vacant Housing Units	241	9.3	24,427	9.5
<b>Tenure</b>				
Occupied Housing Units	2,344	100.0	233,983	100.0
Owner- Occupied	2,145	91.5	175,157	74.9
Renter-Occupied Units	199	8.5	58,826	25.1
Average Household Size	3.03	NA	2.66	NA
Average Family Size	3.38	NA	3.22	NA

Source: US Census, 2010.

In addition to comparing Rumson's housing characteristics to the County, it is also important to analyze changes in the housing stock since 2000. Census data for occupancy and tenure for 2000 and 2010 in the Borough is shown in Table 5.

Table 5				
Rumson Borough				
	2000	2010	Number Change	Percent Change
<b>Occupancy Status</b>				
Total Housing Units	2,610	2,585	-25	-0.95
Occupied Housing Units	2,452	2,344	-108	-4.4
Vacant Housing Units	158	241	83	52.5
Seasonal, recreational or occasional use	99	124	25	25.3
<b>Tenure</b>				
Owner-Occupied Units	2,209	2,145	-64	-2.9
Renter-Occupied Units	243	199	-44	-18.1

Source: US Bureau of the Census, 2000 and 2010.

As noted, Table 5 contains information concerning the change in total housing units, occupancy and tenure in Rumson Borough from 2000 to 2010. In contrast to a slight increase in population in the same time period, total housing units and occupied housing units fell slightly, from 2000 to 2010. The number of vacant housing units increased by 83 units or 53% during this decade. A large component of the increase was a positive change in the number of seasonal, recreational and occasional units. Owner-occupied units comprised almost 92 % of the Borough housing stock and fell by 3% between 200 and 2010.

#### Future Population

Based on the Borough's land use plan and development pattern, the Borough's future population will not vary substantially from the current level. Population during the next decade will be mostly influenced by demographic trends such as household or family size rather than new residents.

The North Jersey Transportation Planning Agency, the public agency that oversees the allocation of transportation funding for the northern half of NJ, projects a population of 7,210 persons in Rumson in the year 2035.

## **5.0 SPECIFIC CHANGES RECOMMENDED FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS**

As a result of the Board's reexamination, the following specific changes are recommended to the Borough Master Plan and Land Development Regulations:

### **Changes in the Minimum Lot Requirements in the R-1 and R-2 Zones**

As discussed in Sections 2 and 3, the Planning Board endorses the recommendations of the November 2002 Master Plan Reexamination Report and the 2002 Land Use Plan Element amendment to upgrade the lot sizes for portions of the R-1 and R-2 zones

Appendix A contains a complete copy of the 2002 Land Use Plan Element amendment. This document details the proposed zoning changes and the basis for the recommendations. The Planning Board continues to recommend the proposed zoning revisions continued in the 2002 Land Use Plan Element.

### **Properties Recommended to be Rezoned from R-5 to General Business**

There are four (4) lots within the existing R-5 (Residential) Zone District that contain commercial uses that were approved by use variance, as follows:

Existing Commercial Use	Street Address	Block	Lot	Approximate Lot Size	Use Variance Granted
Barnacle Bill's	1 First Street	5	2	1.45 Acres	11/18/03
Bank of America	49 West River Road	25	4	0.76 Acres	1959
JNM Office Building (f.k.a. Holy Rosary Site)	47 West River Road	26	1	0.81 Acres	8/192003
JNM Office Building adjacent to Bingham Hall	38 Bingham Avenue	30	3.01	0.30 Acres	11/20/2007

In that the General Business Zone (GB) district is located immediately adjacent to the four (4) subject properties, the Planning Board recommends that the boundary GB Zone be expanded to incorporate these four (4) additional properties.

### **Building Height**

New residential construction must comply with municipal flood hazard rules that require the lowest habitable floor to be above the base flood elevation. The required elevation of the first floor in combination with the maximum building height requirement of 30-35 feet in residential zones can at times unreasonably constrain the height of a new dwelling and inappropriately limit roof pitch. Therefore the Borough development regulations should be revised to allow an adjustment, credit or exception for building height for those specific circumstances.

### **Circulation Plan/Bicycle Circulation**

The Borough should revise the Master Plan to update the circulation element to include a sub-plan element for bicycle circulation to specify locations for bicycle lanes on roadways within the Borough. The appropriate identification of biking lanes on municipal roadways requires some proper planning and analysis. Safety for both the bicyclists and vehicular traffic is increased with proper pavement markings and signage. The Borough can commence the process with the preparation of a sub-plan element for bicycle circulation to decide where bike lanes are appropriate. The preparation of such a Plan should include the input of the Police Department, the Public Works Department and members of the general public. The recommendations can be prioritized for inclusion in the Borough capital improvement program.

An updated circulation plan element should also address pedestrian improvements such as needed sidewalks.

The revised circulation element would be the basis of potential Borough grant funding requests of County and State agencies for bicycle and pedestrian improvements.

## **Solar and Small Wind Energy Facilities in Residential Zones**

Solar facilities installed on single family residential parcels offer property owners an opportunity to reduce electric and heating expenses. Such facilities have become much more common in residential districts and are not just limited to major solar “farms”.

Solar facilities for residences include roof and/or ground mounted structures. The installation of ground-mounted solar panels, a relatively new type of accessory structure for single family residential zones, require the appropriate setback requirements and screening to protect adjoining properties from glare and possible adverse aesthetic impacts.

Small wind energy facilities serving single family homes are also on the rise and many New Jersey municipalities have adopted ordinances to address the zoning requirements such as lot size and setbacks for such renewable energy structures.

The Planning Board recommends the Borough Council consider zoning requirements for solar and wind energy facilities in future amendments to the Zoning Ordinance to promote a desirable visual environment.

## **Regulation of House Size**

The Planning Board continues to be concerned that the current zoning regulations allow residences that are exceeding reasonable building mass and adversely impact the character of the neighborhood. The larger homes can be the result of tear-downs or expansion of existing homes.

The Planning Board recommends that the Borough monitor the building sizes of new or expanded homes and develop a database of pertinent information to better evaluate this issue. Annual reports to the Planning Board may be one mechanism to monitor this issue.

## **Economic Development**

Technology and communications has improved significantly over the past decade such that satellite offices in proximity to the homes of CEOs can address many business functions and reduce the required commuting time of busy executives. The Borough has a small downtown business district comprised of retail shops and services, restaurants, personal service establishments and office buildings. The business area could serve as the location for such satellite offices for executives residing in the Borough. The increased demand for office use would be beneficial to the Borough from an economic development standpoint. Municipal officials should monitor the demand for such use and determine, at a future date, if the General Business zone should be expanded or modified for additional office use.

## **Master Plan Documents**

The Borough Master Plan consists of numerous documents and elements adopted by the Planning Board over the past four decades. The documents should be available in one user-friendly format for use, reference and public viewing.

The Planning Board recommends that, upon completion and adoption of this reexamination, the Borough compile the 1988 Master Plan and all subsequent master plan element amendments and



reexaminations into one reference document easily made available by Borough staff to the general public.

## **6.0 RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS**

The Planning Board finds that there are no areas within Rumson Borough that require investigation as possible "areas in need of redevelopment" in accordance with N.J.S.A. 40A:12A et seq., the Local Redevelopment and Housing Law. Therefore, changes in the local development regulations are not necessary at this time.

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# MASTER PLAN AMENDMENT

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Land Use Element

BOROUGH OF RUMSON  
MONMOUTH COUNTY, NEW JERSEY

PREPARED FOR  
  
RUMSON BOROUGH PLANNING BOARD

Adopted November 18, 2002

PREPARED BY  
  
C. BERNARD BLUM, JR., P.E., P.P.  
RUMSON BOROUGH ENGINEER

OF THE FIRM OF



11 TINDALL ROAD  
MIDDLETOWN, NJ 07748

C. BERNARD BLUM, JR. P.E., P.P.  
LICENSED PROFESSIONAL ENGINEER – NO. GE14227  
LICENSED PROFESSIONAL PLANNER – NO. LI00887

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*The original of this document has been signed and sealed in accordance with New Jersey Law*

RESOLUTION OF THE PLANNING BOARD  
OF THE BOROUGH OF RUMSON  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Adopting An Amendment To The Land Use Element  
Of The Rumson Master Plan

WHEREAS, the Planning Board of the Borough of Rumson has undertaken a general re-examination of the Master Plan and Development Regulations of the Borough of Rumson pursuant to its obligations under N.J.S.A. 40:55D-89; and

WHEREAS, a report entitled "Master Plan Re-examination Report" dated November 11, 2002 was prepared by the Borough Engineer; and

WHEREAS, the Planning Board of the Borough of Rumson did, at a duly noticed public meeting on November 18, 2002 review and adopt said report; and

WHEREAS, the Planning Board desires to amend the Land Use Element of the Borough's Master Plan in accordance with the said Re-examination Report; and

WHEREAS, at a duly noticed public meeting was held on November 18, 2002, at which time public comment was heard concerning said amendment to the Master Plan;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Rumson in accordance with the Master Plan Re-examination Report as amended, dated November 11, 2002, that the Planning Board does hereby adopt an amendment to the Land Use Element as prepared by the Borough Engineer under date of November 18, 2002.

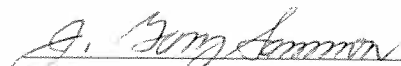
The foregoing was Moved by Mrs. Armitage, Seconded by Mr. B. Ekdahl, and on Roll Call, the following vote was recorded:

Affirmative: Doremus, B. Ekdahl, Emery, Hintelmann, Sorrentino, Armitage and Slingluff.

Negative: None.

Absent: Mayor Callman, Councilman J. Ekdahl and Mrs. Parton.

I, J. Gary Sammon, Secretary to the Planning Board of the Borough of Rumson, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Rumson at a public meeting held on November 18, 2002.

  
J. Gary Sammon, Secretary  
Planning Board

Dated: November 18, 2002.

## **Introduction**

This is an amendment to the Rumson Borough land use plan element of the Master Plan originally adopted on July 5, 1988. This amendment is based on the Planning Board reexamination of the Master Plan undertaken in 2002. In the spring of 2002, the Borough initiated the general reexamination process. The reexamination considers the need for changes in order to maintain a current Master Plan.

On June 3, 2002, the Borough Planning Board adopted a reexamination of the Master Plan which noted the demographic profile of the community based on information received from the U.S. Census (2000) as well as other development issues and trends affecting the Borough. The reexamination specifically recommended that the Borough Master Plan be amended to recognize Barley Point as seasonal bungalow colony as well as a local historic landmark. In response to this recommendation, on June 3, 2002 the Planning Board also adopted changes to the land use element and historic preservation element of the Master Plan that were consistent with the reexamination report.

The June 3, 2002 reexamination report further requested that the Planning Board continue to study other land use and development issues facing the Borough and to formulate appropriate recommendations to address these issues. Recommendations regarding land development regulations, minimum lot size requirements, agricultural and horticultural uses, and other types of development standards are presented in the November 11, 2002 Master Plan reexamination report.

## **Land Use Element**

The Borough land use element is based on the principles, objectives, assumptions, and policies set forth by the 1988 Master Plan and reasserted in both the June 2, 2002 and November 11, 2002 reexamination reports. Master Plan principles and objectives include maintaining Rumson's character as a

residential community, encouraging the most appropriate use of land consistent with neighborhood character, and establishing appropriate population densities and limiting the intensity of development to both preserve the natural environment and to ensure neighborhood, community and regional well being. The land use element supports these principles and objectives by placing a major emphasis on maintaining harmonious land use patterns at their current levels of intensity. The land use element establishes land use types including residential, business/commercial, and public and quasi-public uses, landmarks and critical areas.

#### *Agricultural and Horticultural Uses*

The number of agricultural and horticultural uses for profit, accessory to residential uses in the Borough, has increased in recent years. Significant agricultural and horticultural uses can conflict with the quality and character of nearby residential neighborhoods by creating disruptive physical nuisances such as excessive or objectionable amounts of dust, fumes, smoke, odor, noise, glare or waste products. Residents may have to contend with early morning operations, the movement of product and heavy equipment, traffic generated by a commercial business, and potential exposure to chemical fertilizers and pesticides.

The Borough should enact regulations to protect the public health and safety of residents from the harmful impacts posed by agricultural and horticultural uses for profit on adjacent residential properties. Any regulations considered by Rumson must take New Jersey's Right to Farm Act into consideration. The Right to Farm Act does not preclude municipalities from enacting zoning regulations that are intended to protect the health and safety of residents. It does, however, protect farms from unduly restrictive municipal regulations and public and private nuisance law suits. In order for a commercial farm to qualify for protection under the Right to Farm Act, it must; (1) not be a direct threat to public health and safety; (2) be located in an area where agriculture was a permitted use under

municipal zoning ordinance or; (3) must have been operating as of December 31, 1997.

#### *Minimum Lot Area Requirements*

In order to preserve the community's existing character, to prevent an increase in densities in established neighborhoods, and to preserve environmentally sensitive lands the Borough should increase the required minimum lot size in certain areas of the R-1 and R-2 zone districts. The New Jersey State Development and Redevelopment Plan (SDRD), see Exhibit 1, identifies areas along the Navesink River, north of River Road, Black Point Road and Black Point Horseshoe as Planning Area 5 (PA-5). The State has designated PA-5 areas as being environmentally sensitive. This designation describes large contiguous land areas with valuable eco-systems, geological features and wildlife habitats. The PA-5 designated area in Rumson consists of coastal wetlands and sedge islands that are part of a larger environmentally sensitive area which includes the Navesink Highlands on the north shore of the river and the McClees Creek Basin. PA-5 emphasizes maintaining large contiguous areas of undisturbed habitat to protect sensitive natural resources and wildlife. The PA-5 also includes the islands in the Navesink and Shrewsbury Rivers.

In addition to the PA-5 designation, the State Plan identifies several critical environmental/historic sites (CEHS) within Rumson. This designation applies the conservation objectives of Planning Area 5 to smaller locations that are less than one square mile in area. In Rumson, the historic Oceanic Village, the southern shoreline of Rumson along the Shrewsbury River (inclusive of the Rumson Country Club holdings) and the sedge islands in the Shrewsbury River are recognized as critical environmental/historic sites. The plan also recognizes Monmouth County's scenic corridor along Rumson Road as a CEHS.

Stable areas that have a predominate number of lots in excess of the minimum lot size should be considered for rezoning to increase the minimum required lot area. This recommendation applies to the following areas:

- Properties north of River Road and west of Third Street along the Navesink River; the minimum lot area should be increased from 1.5 acres to 4.0 acres.
- Properties along the Shrewsbury River, east of the Rumson Country Club and west of Bellevue Avenue excluding any property which fronts Bellevue Avenue; the minimum lot area should be increased from 1.5 acres to 4.0 acres.
- (General area) Properties along the Shrewsbury River and Navesink River, east of Ward Avenue and north of Black Point Horseshoe; the minimum lot area should be increased from 1.0 acres to 2.0 acres.
- In general, properties north of Shrewsbury Drive, west of Oyster Bay Drive, east of Osprey Lane and south of Rumson Road including several properties west of Osprey Lane and east of Tuxedo Road and properties south of Shrewsbury Drive between Osprey Lane and Avenue of Two Rivers; the minimum lot area should be increased from 1.5 acres to 2.5 acres.
- Properties along the Shrewsbury River south of Shrewsbury Drive and west of Oyster Bay Drive, lots immediately adjacent to the east of Avenue of Two Rivers and to the west of Osprey Lane that front the river; the minimum lot area should be increased from 1.5 acres to 4.0 acres.
- Rumson Country Club; the southern portion of the property along the river should have a minimum lot size of 4.0 acres. The remainder of the parcel is should have a minimum lot size of 3.0 acres.
- (General area) Properties along the western portion of Bingham Avenue between Ridge Road and Rumson Road; minimum lot size should be increased from 1.5 acres to 4.0 acres.
- Lots 27, 28, 29, and 30 in Block 18 located in the R-3 zone district have, on average, lot sizes more consistent with the adjacent R-1 zone district. These lots should be rezoned from the current R-3 to R-1 which increases the minimum lot size from 0.75 acres to 1.75 acres.

For properties within a proposed rezoning area, all provisions under the existing zone plan, except for the requirement for minimum lot size, should remain in effect. Lots with less than the new minimum lot size but conforming to prior zoning should not be treated as non-conforming with regard to lot area.

*Setbacks and the Permitted Size of Houses in Residential Zone Districts*

Rumson already uses land use techniques to limit the size of residential dwellings including limits on maximum building coverage and maximum floor area ratios. These regulations are effective and do not require modification. However, clarification should be provided for certain definitions and for lots with multiple frontages and frontages on rivers or navigable waterways. Existing setbacks for principal and accessory structures in the larger zone districts appear to be satisfactory due to larger lot sizes and the increased distance between neighboring houses. In smaller zones, encroachments into setback areas for appurtenances such as chimneys, eaves, steps, decks and windows should be established. The size of these types of structures has been steadily increasing over the years.

**Amended Land Use Plan Element**

Exhibit 2 shows the proposed land use changes to the Master Plan. Current and proposed zone district regulations are consistent with the recommendations of the land use element of the 1988 Master Plan and subsequent Master Plan reexaminations and amendments.